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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,618	09/19/2003	Bjorn Bjare	P17539US2	4026

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ERICSSON INC.  
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M/S EVR 1-C-11  
PLANO, TX 75024

EXAMINER
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SEYE, ABDOU K

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/664,618

Applicant(s)

BJARE ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/30/2007.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

  
**WILLIAM THOMSON**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on January 30, 2007 has been received and entered. The amendment amended Claims 1-8, 10-13 and 19, and cancelled claims 9 and 20. The currently pending claims considered below are Claims 1-8, 10-19 and 21-22.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The amendment filed on January 31, 2007, has not overcome the rejections to Claims 1-8, 10-19 and 21-22 under 35 U.S.C. 101. Therefore, the examiner hereby does not withdraw those rejections.

Claim 1 is non statutory. The claimed system is constructed of software program instructions. Thus, the claimed system comprising of framework interface domain, a software application domain is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional

Art Unit: 2194

interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ". Also it appears that no useful and tangible result is achieved from the interaction between the open platform application, the application entity and the plug-in entity, See MPEP 2106.01 (IV) (c) (2)..

Claim 12 is non statutory. The claimed method appears that no tangible and useful result is achieved from interfacing a platform domain and interacting with an utility entity. It is transparent to such a user that no practical and useful result is achieved. See MPEP 2106.01 (IV) (c) (2).

Dependant claims 2-8, 10-11, 13-19 and 21-22 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claims 1 and 12.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8,10-19 and 21-22 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Gouge et al. (US 6931429)**.

Claims 1 and 12: Gouge discloses a system and method of using a software application framework (Figure 5: 55 client application) adapted to provide a high-level application-domain environment in a mobile equipment, comprising:

- a framework interface domain (Figure. 5: 530; client framework layer) further comprising an open platform application (OPA) (Figure. 5: 510 adaptation layer that includes application protocol), for interfacing a platform domain with application domain software of an application domain;
- a software application domain comprising an application entity (Figure 5: 520; client UI application); and wherein the first application entity is adapted to interact with at least one of: the framework interface domain (Figure. 5: 530; client framework); an utility entity (col. 16, lines 1-67; fig. 6: 543 SOAP library); and a plug-in entity (col. 14, lines 35-40; UpnP); and wherein the software application framework includes a rulebook (Figure 7: 558; XML rule parser) for the application domain.

Claims 2 and 13: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that the application domain includes:

- a. A utility entity (fig. 5, col. 14 lines 6-24);
- b. A plug-in entity (abstract; fig. 5, col. 15, lines 1-43);
- c. The utility entity is adapted to use the first application entity, the plug-in entity and another utility entity (fig. 5, col. 14, lines 1-34); and
- d. The plug-in entity is adapted to use the framework interface domain (fig. 5, col. 15, lines 1-43).

Claims 3 and 14: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the plug-in entity is adapted to extend the functionality of the platform domain (fig. 5, col. 15, lines 1-43).

Claims 4 and 15: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the plug-in entity is adapted to appear to be a part of the framework interface domain (fig. 5, col. 15, lines 1-43).

Claims 5 and 16: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the utility entity is adapted to buffer and shield legacy code (fig. 5, col. 14, lines 19-24).

Claims 6 and 17: Gouge discloses a system method and software application as in claims 2 and 13 above and further discloses that the application entity is adapted to own a thread/procedure call/instances (fig. 6,7 col. 18, lines 10-50).

Claims 7 and 18: Gouge discloses a system method and software application as in claims 6 and 17 above and further discloses that the thread/instance is automatically created upon start-up of the application entity (abstract; fig. 6,7, col. 18, lines 10-50; col. 19, lines 59-67).

Claims 8 and 19: Gouge discloses a system method and software application as in claims 7 and 18 above and further discloses encapsulated code (fig. 6,7, col. 18, lines 30-35).

Claims 9 and 20: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that the software application framework is resident on a mobile equipment (fig. 5, col. 18, lines 10-21).

Claims 10 and 21: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that: the software application framework uses a dual-mode message-exchange procedure with use of procedure/stack-based handling and message/serialization-based handling (col. 19, lines 59-67; col. 20, lines 1-52).

Claims 11 and 22: Gouge discloses a system method and software application as in claims 1 and 12 above and further discloses that the application domain minimizes a need for support code (fig. 6,7, col. 15, lines 16-27).

### ***Response to Arguments***

6. Applicant's arguments filed on January 30, 2007 have been fully considered but they are not persuasive.

a. Claims 1 and 12: applicant in (page 8, lines 20-24) has restricted the scope of claim 1 and 12 by limiting the software application domain to have a rulebook and the middleware component comprising an open platform API (OPA). Gouge teaches a rulebook in (col. 14, lines 43-67) that is the XML parser that would include rules to compress the data prior to transmission, and in col. 14, lines 6-15) Gouge teaches an (OPA) which is the client platform adaptation layer that interfaces with the client framework layer, the client UI layer and the communication layer. Therefore the above element of Gouge's reference meets the claimed limitations of claims 1 and 12.

b. As for the remaining claims, Response to applicant's argument see the rejection and response to argument above.

### ***Conclusion***



7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heisey et al (20040015940) discloses an intelligent device upgrade engine.

Usok et al (20040205772) discloses intelligent software agent system architecture.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for

Art Unit: 2194

formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600

AKS  
March 29, 2007

  
**WILLIAM THOMSON**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100